

_AO91 (Rev. 8/01) Criminal Complaint

United States Magistrate Court
DSO-SDTX
FILED

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

SEP 17 2014 28

UNITED STATES OF AMERICA
V.David MAGALLON-De La Garza
Nuevo Laredo, Mexico
MexicoArgenis Fortunato CASTILLEJA-Diaz
Nuevo Laredo, Mexico
Mexico

(Name and Address of Defendants)

CRIMINAL COMPLAINT

David J. Bradley, Clerk
Laredo Division

Case Number:

5:14mj1205 -1/2

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief. On or about September 15, 2014 in Laredo, TX Webb County, in
(Date)the Southern District of Texas, David MAGALLON-De La Garza andArgenis Fortunato CASTILLEJA-Diaz defendant(s),

both Mexican Citizens, did attempt to unlawfully transport Mexican nationals Miguel Octavio REYES and Carlos FLORES-Miranda and nine (9) other undocumented aliens by means of foot guides within the Southern District of Texas knowing or in reckless disregard of the fact that said aliens had come to, entered, or remained in the United States in violation of law, and transported or moved said aliens with in the United States by means of a motor vehicle or otherwise, in furtherance of such violation of law.

in violation of Title 8 United States Code, Section(s)

1324 (a)(1)(A)(ii)

I further state that I am a(n) US Immigration and Customs Enforcement Special Agent and that this complaint is based on the
Official Title

following facts: based on statements of the accused and the records of Immigration & Customs Enforcement.

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No

Signature of Complainant

Jose L. Feliciano

Printed Name of Complainant

Sworn to before me and signed in my presence,

September 17, 2014

Date

at

Laredo, Texas

City and State

Diana Song Quiroga

U.S. Magistrate Judge

Name and Title of Judicial Officer

Diana Song Quiroga

Signature of Judicial Officer

United States of America

Page 2

vs

David MAGALLON-De La Garza
Argenis Fortunato CASTILLEJA-Diaz

[CONT OF BASIS OF COMPLAINT]

On September 15, 2014, Homeland Security Investigations (HSI) Laredo special agents (SA) responded to the Laredo South Border Patrol (BP) station. HSI responded to an alien smuggling event involving thirteen (13) undocumented aliens (UDA's).

On September 15, 2014, the Laredo South BP camera operator observed a group of subjects crossing the Rio Grande River in the Acevedos Ranch. The group was then observed as they ran from the river towards Rio Bravo, Texas.

BP agents responded to the area and followed the footprints of the group. The BP agents followed the foot prints to the 11-S ranch where they located the group of seventeen (17) subjects. The group attempted to flee the area but BP agents were able to locate and apprehend thirteen (13) of the subjects. The four (4) other subjects in the area were able to flee and return to Mexico.

A field interview by BP agents determined that none of the subjects were United States (U.S.) citizens and that they had all illegally entered the U.S. Within the group of UDA's were David MAGALLON-De La Garza and Argenis Fortunato CASTILLEJA-Diaz, both citizens of Mexico who were identified by BP agents as possible guides in the alien smuggling attempt as well as eleven (11) other illegal UDA's (six (6) Mexican adult males-three (3) Mexican juvenile males / one (1) Guatemalan male and one (1) Guatemalan female). All thirteen (13) UDA's were taken into custody and transported to the Laredo South BP station for processing.

HSI Special Agents were notified and responded to the Laredo South BP station to investigate the incident. Upon arrival, HSI special agents met with MAGALLON-De La Garza one (1) of the possible guides in the group of UDA's. MAGALLON-De La Garza was read his Miranda Warning and agreed to speak with HSI special agents without the presence of an attorney. MAGALLON-De La Garza stated he was one (1) of three (3) guides hired to move the eleven (11) UDA's across the river from Mexico to a location in the U.S. where the UDA's would then be picked up. The UDA's would then be transported north in a motor vehicle. MAGALLON-De La Garza stated that this was his first trip as a guide and was promised to be paid forty (\$40.00) dollars for his participation in the alien smuggling attempt. MAGALLON-De La Garza further stated that he was promised fifty (\$50.00) dollars per any subsequent UDA he was able to guide and deliver once he learned the alien smuggling route.

HSI special agents also met with CASTILLEJA-Diaz the second possible guide in the group of UDA's. CASTILLEJA-Diaz was read his Miranda Warning and agreed to speak with HSI special agents without the presence of an attorney. CASTILLEJA-Diaz stated he was one (1) of two (2) guides hired to move eleven (11) UDA's across the river from Mexico to a location in the U.S. where the UDA's would then be picked up. The UDA's would then be transported north in a motor vehicle. MAGALLON-De La Garza stated that this was his first trip as a guide and was promised to be paid fifty (\$50.00) dollars for each of the eleven (11) UDA's.

MAGALLON-De La Garza and CASTILLEJA-Diaz were charged with 8 USC 1324, Transporting Undocumented Aliens, and were booked into the Webb County Detention Center pending their initial appearance.

HSI Special Agents conducted interviews with all eleven (11) UDA's. All eleven (11) individuals admitted they were either citizens of Mexico or Guatemala and had paid money to be smuggled into the United States. Carlos FLORES-Miranda and Miguel Octavio REYES were held as material witnesses in this case and both were physically able to identify CASTILLEJA-Diaz and MAGALLON-De La Cruz as the guides.